Application Number	10/629,725	Re	pplicant(s)/Patent under eexamination RONSON ET AL.							
Document Code - DISQ	ocument Code - DISQ Internal Do									
TERMINAL DISCLAIMER	⊠ APPROVI	ED	☐ DISAPPROVED							
Date Filed : January 16, 2006	to a Te	it is subject erminal laimer								
Approved/Disapproved by:										
Henry D. Jefferson										

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:		•	23-Jan-06	APPL. S. N:		10629725			
To Exam	iner:		BAYARD, EMMANUAL	Art Unit		2631	j		
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo ⁻ Drop-Off Location	To: Case	JEF-2D68			
SUBJEC	T: Decisio	on on Terminal	Disclaimer(T.D.) filed:	•					
form par or have a	agraphs i any quest	dentified by th ions, please se	d the submitted T.D. with the informal memo in your note me or the Special Program APPLICANT OR (2) PLACED	ext Office action to notify m Examiner. THIS IS AN 1	applicant of t	the T.D. If you disag NTERNAL MEMO ONL	ree _Y.		
please in	itial, date	and return th	is memo to me. THANK YOU	J.			•		
区	The T.D.	is PROPER and	d has been recorded (see 14	4.23).					
	The T.D.	is NOT PROPE	R and has not been accepte	ed for the reason(s) check	ed below (se	e 14.24):			
		The TD fee of use of a depo	,	mitted nor is there any au	ıthorization ir	1 the application file	for the		
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a term portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
		The person who signed the T.D.:							
		is no	ot an attorney "of record" (s	see 14.29 and 14.29.01).					
		has	failed to state his/her capac	city to sign for the busines	ss entity (see	14.28).			
		is no	ot recognized as an officer o	of the assignee (see 14.29	& possible 1	4.29.02).			
		nor is the ree (see 37 CFR 3	ary evidence of a chain of ti I and frame number specifie 3.73(b) and 1140 O.G. 72). r may be found in the T.D. (nce is recorde evidence or t	ed in the Office the specifying of the	reel and			
The T.D. is no			ot signed (see 14.26 & 14.20	6.03).					
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
		The period dis	sclaimed is incorrect or not	specified (see 14.26, 14.2	27.02 or 14.2	6.03).			
		Other:							
		Suggestion to and do not ch	request refund (see 14.36) eck this item.). NOTE: If already author	rized, credit r	efund to deposit acc	ount		
I have ap	propriate	ely notified app	licant(s) of the status of the	e Terminal Disclaimer filed	d in this case.				
Ex.Initial	s:	Date				Log Date:			

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION

e application of : Aronson et al.

Assignee : Finisar Corporation

Serial No. : 10/629,725

For : Integrated Circuit with Dual Eye

Openers

Filed : July 28, 2003

Examiner : Emmanuel Bayard

Group Art Unit : 2638

ASSISTANT COMMISSIONER OF PATENTS Washington, D.C. 20231

Dear Sir:

Assignee, through its attorney of record, represents that it is the owner of the entire interest in the above-identified patent application. Particularly, the above-identified application, as well as United States Patent Application Serial No. 10/629,302, which was filed on July 28, 2003 (the "302 Application"), are both divisions of US Patent Application Ser. No. 10/420,027 (the "027 Application) which is owned by the Assignee by virtue of the assignment recorded in the United States Patent and Trademark Office at Reel 014504, Frames 0930 through 0938 (a copy of which is attached hereto as Exhibit A).

In light of the foregoing, Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of any patent issuing from '302 Application, as presently shortened by any terminal disclaimer. Assignee agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to it and the '302 Application (and any patent issuing therefrom) are commonly owned. The foregoing agreement by the Assignee runs with any patent granted on the above-identified application and is binding upon the grantor, its successors or assigns.

Assignee does not, however, disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent issuing from the '302 Application in the event that such patent issuing from the '302 Application later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a); has all claims canceled by a reexamination certificate; or, is reissued or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

11/18/2006 RMEBRRAIT

Docket No.15436.247.2.1.2 Date: January 16, 2006



Assignee hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 1674 day of January, 2006.

Respectfully submitted,

WORKMAN NYDEGGER

By:

PETER F. MALENTR. Registration No. 45,576 Attorney of Record Customer No.: 022913

Telephone No. 801-533-9800